HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No.10961 of 2007

DATED: 24.5.2007

Between:

Gampa Narsimha Murthy Petitioner

And

The Sub Registrar, Gopalapatnam, Vishakhapatnam Respondent

HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No.10961 of 2007

ORDER:

The petitioner states that he is the absolute owner and possessor of the land admeasuring 177.77 sq. yds., situated in Survey No.196, Plot No.16, Asst. No.1319, Adivivaram village and panchayat, Viskhapatnam. It is stated that he intended to sell the said land and in that process, approached the respondent Sub Registrar with a request to furnish the basic value of the property for the purpose of computation of the stamp duty. The grievance of the petitioner is that the respondent Sub Registrar is not entertaining any document on the ground that the Government issued a notification under Section 22 A of the Registration Act, 1908 (for short, 'the Act') in respect of the land in the said survey number. This writ petition is filed seeking appropriate directions to the respondent in this regard.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

Section 22-A of the Act empowered the Government to issue notifications almost preventing the registration of documents in respect of the lands to be mentioned therein. Such a power was held to be *ultra vires* and the provision was struck down by the Hon'ble Supreme Court in **State of Rajasthan v. Basanth Nahata**[1].

Once the sole basis for the respondent Sub Registrar to refuse registration had disappeared, he is under obligation to receive the documents and consider the same, in accordance with the provisions of the Indian Stamp and the Registration Act in case the petitioner approaches him.

Hence, the writ petition is disposed of directing the respondent-Sub Registrar to receive and process the documents that may be presented by the petitioner and take necessary steps, in accordance with the provisions of the Act without reference to any circulars issued by the Government of Andhra Pradesh or any other functionary under the provisions of the Act. There shall be no order as to costs.

C.V. NAGARJUNA REDDY.J

Date: 24.5.2007

psr

[1] AIR 2005 SC 3401 = (2005) 12 SCC 77